

(2) The country where the alien was born;

(3) The country where the alien has a residence; or

(4) Any country willing to accept the alien.

(c) *Contiguous territory and adjacent islands.* Any alien ordered excluded who boarded an aircraft or vessel in foreign contiguous territory or in any adjacent island shall be deported to such foreign contiguous territory or adjacent island if the alien is a native, citizen, subject, or national of such foreign contiguous territory or adjacent island, or if the alien has a residence in such foreign contiguous territory or adjacent island. Otherwise, the alien shall be deported, in the first instance, to the country in which is located the port at which the alien embarked for such foreign contiguous territory or adjacent island.

(d) *Land border pedestrian arrivals.* Any alien ordered excluded who arrived at a land border on foot shall be deported in the same manner as if the alien had boarded a vessel or aircraft in foreign contiguous territory.

[47 FR 44237, Oct. 7, 1982, as amended at 54 FR 102, Jan. 4, 1989]

## PART 238—CONTRACTS WITH TRANSPORTATION LINES

Sec.

238.1 Contracts.

238.2 Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands.

238.3 Aliens in immediate and continuous transit.

238.4 Preinspection outside the United States.

238.5 Aliens entering Guam pursuant to section 14 of Public Law 99-396, "Omnibus Territories Act".

AUTHORITY: 8 U.S.C. 1103, 1228; 8 CFR part 2.

### § 238.1 Contracts.

The contracts with transportation lines referred to in section 238(a) of the Act may be entered into by the Executive Associate Commissioner for Operations, or by an Immigration Officer designated by the Executive Associate Commissioner for Operations on behalf of the government and shall be docu-

mented on Form I-420. The contracts with transportation lines referred to in section 238(c) of the Act shall be made by the Commissioner on behalf of the government and shall be documented on Form I-426. The contracts with transportation lines desiring their passengers to be preinspected at places outside the United States shall be made by the Commissioner on behalf of the government and shall be documented on Form I-425; except that contracts for irregularly operated charter flights may be entered into by the Executive Associate Commissioner for Operations or an Immigration Officer designated by the Executive Associate Commissioner for Operations and having jurisdiction over the location where the inspection will take place.

[57 FR 59907, Dec. 17, 1992]

### § 238.2 Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands.

Form I-420 shall be signed in duplicate and forwarded to the Headquarters Office of Inspections. After acceptance, each Regional Office of Inspections, the district office and the carrier will be furnished with one copy of the agreement. The transmittal letter to the Headquarters Office of Inspections shall indicate whether the signatory to the agreement is a subsidiary or affiliate of a line which has already signed a similar agreement. Correspondence regarding ancillary contracts for office space and other facilities to be furnished by transportation lines at Service stations in Canada shall be similarly handled.

[57 FR 59907, Dec. 17, 1992]

### § 238.3 Aliens in immediate and continuous transit.

(a) *Form I-426 agreements.* A transportation line bringing aliens to the United States pursuant to § 212.1(f)(1) of this chapter shall enter into an agreement on Form I-426. Such an agreement shall be negotiated directly by the Service's Headquarters Inspections Office and the head offices of the transportation lines.

(b) *Signatory lines.* Currently effective agreements on Form I-426 exist with the following: